

**CITY OF BEAVER DAM, WISCONSIN  
COMMON COUNCIL MEETING AGENDA  
MONDAY, FEBRUARY 4, 2019  
@ 8:00 P.M.**

- 1) **CALL TO ORDER – ROLL CALL**
- 2) **PLEDGE – SILENT DELIBERATION**
- 3) **INFORMAL PUBLIC HEARING**
- 4) **DEPUTY CHIEF MATT CHRISTIAN’S EFO CERTIFICATE AND EMS LIFESAVING AWARDS FOR FIREFIGHTERS/PARAMEDICS MATT WEIDLER AND HUNTER RESOP**
- 5) **ANNOUNCEMENTS**
- 6) **DISPOSITION OF MINUTES OF THE COMMON COUNCIL MEETING OF JANUARY 21, 2019**
- 7) **COMMUNICATIONS**
- 8) **BILLS**
- 9) **ORDINANCES**

**ORDINANCE NO. 1-2019**

**AN ORDINANCE ADDING A FOUR-WAY STOP ON WARREN STREET AT ITS INTERSECTION WITH WEBSTER STREET**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:  
Section 62-45, Four-way stop intersections, of the Municipal Code is amended by:**

**SECTION I:** ADDING: Section 62-45(15). Warren Street at its intersection with Webster Street.

**SECTION II:** Said ordinance shall be effective upon its passage and publication.

First Reading – January 21, 2019

**ORDINANCE NO. 2-2019**

**AN ORDINANCE AMENDING SECTION 62-41 THROUGH STREETS, OF THE BEAVER DAM MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:  
Section 62-41, Through Streets, of the Municipal Code is amended by:**

**SECTION I:**

REMOVING: Roosevelt Drive/Warren Street, from Stone Street to Park Avenue.

ADDING: Roosevelt Drive, from East South Street to Park Avenue.

**SECTION II:** Said ordinance shall be effective upon its passage and publication.

First Reading – January 21, 2019

**ORDINANCE NO. 3-2019**

**AN ORDINANCE AMENDING SECTION 62-50(s), PARKING OF VEHICLES ON RESIDENTIAL-USE PROPERTIES, SUBSECTIONS (2), DEFINITIONS, AND (3), PROHIBITIONS, IN THE BEAVER DAM MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:**

**SECTION I:** Section 62-50(s), *Parking of vehicles on residential-use properties*, subsection (2), *Definitions*, is amended, in part, to revise the following definitions:

*Driveway* means the area of a lot constructed, improved, maintained, or used for the primary purpose of vehicular access to residential-use properties from a public street *to the front of the garage, or house if no garage is present.*

*Improved Surface* means any area that, for purposes of this subsection, is not part of a driveway but has been paved for parking or storage of vehicles or equipment owned or operated by the occupants of a residential-use property in accordance with this subsection. An improved area *may only be located on the side yard or rear yard and be a minimum of three feet off the property line and must be approved by the City Building Inspection Department or the City Engineering Department.* An improved area may be paved with concrete, cement pavers, brick, asphalt, shale, gravel, crushed rock or other material installed and maintained per industry standards, to a minimum thickness of not less than four inches so as to lessen or prevent the seepage or any fuel, oil, or other chemical substance to the soil below the area.

**SECTION II:** Section 62-50(s), *Parking of vehicles on residential-use properties*, subsection (3), *Prohibitions*, is amended in its entirety as follows:

This subsection prohibits the parking of vehicles or equipment in the front yard areas of residential-use properties *except on approved driveways (Sec. 54-11).* This is to preserve the property values and esthetics of neighborhoods, prevent damage to underground utility facilities, and to mitigate or lessen the environmental effects of contamination caused by the leakage of automobile or other fuels, petroleum products or other harmful chemicals from vehicles or equipment. *All front yard Improved Surface areas that are not paved with concrete or asphalt shall retroactively not be permitted and revert back to green space, unless approved by the Building Inspector or Director of Facilities.*

**SECTION III:** Said ordinance shall be effective upon its passage and publication.

First Reading – February 4, 2019

**ORDINANCE NO. 4-2019**

**AN ORDINANCE AMENDING SECTION 42-241, ENUMERATION, REGARDING FEES AND CHARGES, IN THE BEAVER DAM MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:**

**SECTION I:** Section 42-241, **Enumeration**, subsection (34), Night parking permit fee, is amended from \$40.00 to \$25.00.

**SECTION II:** Said ordinance shall be effective upon its passage and publication.

First Reading – February 4, 2019

**ORDINANCE NO. 5-2019**

**AN ORDINANCE AMENDING SECTION 62-50, PARKING RESTRICTIONS, SUBSECTION (C), NIGHT PARKING RESTRICTED DURING SNOW REMOVAL SEASON, IN THE BEAVER DAM MUNICIPAL CODE.**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:**

**SECTION I:** Section 62-50, **Parking restrictions**, subsection (c), Night parking restricted during snow removal season, is amended to add:

62-50(c)(2). Fines for non-compliance will be \$50.00 for the first offense. If the non-compliance continues after the first offense, then the street parking permit will be revoked.

**SECTION II:** Said ordinance shall be effective upon its passage and publication.

First Reading – February 4, 2019

**ORDINANCE NO. 6-2019**

**AN ORDINANCE CREATING SECTION 10-31, ANIMALS PROHIBITED IN CERTAIN AREAS, IN THE BEAVER DAM MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:**

**SECTION I: Section 10-31. Animals Prohibited in Certain Areas, is created as follows:**

(1) Dogs Prohibited in Parks.

(a) Prohibition. Except as provided for under Subdivision (b), no owner, keeper or handler of a dog shall allow, cause or permit such dog to remain in:

1. Any public park in the City of Beaver Dam.

(b) Exceptions. The prohibition in Subdivision (a) shall not apply to the following:

1. Service Dogs. Dogs specially trained, or dogs being specially trained, to lead visually- or hearing-impaired persons or to provide support for mobility-impaired persons when leading or accompanying a visually-impaired, hearing-impaired or mobility-impaired person.

2. Law Enforcement Dogs. Dogs used by or under the auspices of the City of Beaver Dam Police Department or other law enforcement department in the course of official police business.

3. Conditions of Dogs in City Parks. The owner, keeper or handler of dogs must comply with the following conditions:

- a. The dog must be restrained by a chain, rope, cord or leash of sufficient strength to control the action of such dog. The length of the chain, rope, cord or leash shall not exceed six (6) feet when the owner or keeper and the dog are proceeding along any pedestrian or transportation corridor for the purpose of being walked through the park.
- b. Dogs shall not be allowed in City Park building, shelters and playground or athletic field areas.
- c. Dogs shall not be allowed in Tahoe Park during Lake Days.
- d. The dog is licensed and must wear a rabies vaccination tag as required by Sec. 10-21(3) and a license tag as required by Sec. 10-22(b).
- e. Dog feces shall be removed and disposed of in compliance with Sec. 10-32.

4. Off-Leash Dog Parks. Dogs are permitted to run at large, off-leash, in certain parks, as set forth in Sec. 10-31(3).

(a) The Operations Committee shall cause signs to be posted in parks or park areas where dogs are permitted.

(2) Any person violating any provision of this section for the first time in any twelve-month period may be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100); any person violating any provision of this section for the second time in any twelve-month period may be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200); any person violating any provision of this section for the third time in any twelve-month period may be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300); any person violating any provision of this section for the fourth time in any twelve-month period may be subject to a forfeiture of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500).

(3) Dog Parks.

- (a) Dog Park Locations. Subject to the conditions set forth in Subsection (b), dogs are permitted to run unleashed in the posted areas of the following locations:
  - 1. Fenced Dog Park, Patrick Park Conley Park.
- (b) Conditions of Dog Park Use. All users of the designated dog parks set forth in Subsection (a) must comply with the following conditions:
  - 1. The owner or keeper of the dog must be present.
  - 2. The dog must be under the voice control of the owner or keeper at all times.
  - 3. The dog must wear a rabies vaccination tag as required by Sec. 10-21, and a license tag as required by Sec. 10-22.
  - 4. Feces must be properly removed and disposed of in compliance with Sec. 10-32.
- (c) Any person violating any provision of this section shall be subject to forfeitures as described in Sec. 10-31(2).

**SECTION II:** Said ordinance shall be effective upon its passage and publication.

First Reading – February 4, 2019

**ORDINANCE NO. 7-2019**

**AN ORDINANCE CREATING SECTION 10-32, ANIMAL DEFECATION ON PUBLIC OR PRIVATE PROPERTY REGULATED, IN THE BEAVER DAM MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:**

**SECTION I:** Section 10-32. Animal Defecation on Public or Private Property Regulated, is created as follows:

- (1) No owner or keeper shall suffer or permit any animal to defecate upon any property other than that of animal owner or keeper without immediately causing such defecation to be removed therefrom and properly disposed of. Proper disposal of animal waste shall be limited to burial where lawfully permitted, bagging for disposal in the owner or keeper’s waste receptacle or a waste receptacle designated for animal waste in a public park or park area, and flushing in the toilet.
- (2) No owner or keeper of any animals shall appear on any sidewalk, street, park or other public area or on any private property neither owned nor occupied by said person without the means of removal of any feces left by the animal.
- (3) No owner or caretaker of an animal shall permit such animal to urinate, defecate, or expel other bodily fluids onto an elevated balcony, porch, or platform, if said balcony, porch, or platform is located above property owned or rented by another person.
- (4) Owners or keepers of animals that are working in their official police capacity are exempt from this ordinance in situations where safety or professional duties would be compromised.
- (5) Except as otherwise provided, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-9 of this Code.

**SECTION II:** Said ordinance shall be effective upon its passage and publication.

First Reading – February 4, 2019

10) **RESOLUTIONS**

**RESOLUTION NO. 12-2019**

**A RESOLUTION APPROVING THE ATTACHED VACANT LAND OFFER TO PURCHASE FOR MIDDLETON TERRACE, LLC, AND/OR ITS ASSIGNS, TO PURCHASE THE NORTHERNMOST FIVE ACRES OF LOT 1, (AS SHOWN ON THE ATTACHED CSM 6990), LOCATED IN THE BEAVER DAM BUSINESS PARK WITH AN OPTION TO PURCHASE THE REMAINDER OF LOTS 1 AND 2 (AS SHOWN ON CSM 6990), WITHIN 18 MONTHS FROM CLOSING ON THE INITIAL LOT PURCHASE**

**WHEREAS**, the City of Beaver Dam proposes to enter into the attached Vacant Land Offer to Purchase with Middleton Terrace, LLC, and/or its assigns, (hereafter referred to as “Middleton”), for the purchase by Middleton, of the northernmost five acres of Lot 1 (as shown on the attached CSM 6990) located in the Beaver Dam Business Park for the purchase price of \$199,500.00, or five acres at \$39,900.00 per acre; and

**WHEREAS**, paragraph 5.02, *Land/Building Ratio* (attached hereto) of the recorded Protective Covenants for the Beaver Dam Business Park states that the minimum square feet/buildable acres for an office is 4,000 sq. ft. and industrial is 5,000 sq. ft. As Middleton’s initial construction will be approximately 9,000 to 10,000 sq. ft. on the northernmost five acres of Lot 1, the City of Beaver Dam wishes to waive the Protective Covenants with regard to this paragraph 5.02 to allow for the initial construction by Middleton.

**WHEREAS**, Middleton Terrace, LLC, and/or its assigns shall have an option to purchase the balance of Lots 1 and 2 (as shown on the attached CSM 6990 - approximately 5.155 acres) within 18 months following the closing for same price of \$39,900.00 per acre.

**NOW, THEREFORE, BE IT RESOLVED** that the attached Vacant Land Offer to Purchase between the City of Beaver Dam and Middleton Terrace, LLC, and/or its assigns, and the Waiver of paragraph 5.02 of the Protective Covenants for the Beaver Dam Business Park is hereby approved and appropriate city officials are authorized to execute the same on behalf of the City of Beaver Dam.

**RESOLUTION NO. 13-2019**

**A RESOLUTION AWARDING THE CONTRACT FOR PROFESSIONAL DESIGN ENGINEERING SERVICES FOR 2019 ROOSEVELT DRIVE IMPROVEMENTS PROJECT**

**WHEREAS**, proposes to enter into the attached Standard Form Agreement with MSA Professional Services, Inc. for professional engineering services in connection with Design, Bidding/Contracting and Construction services; and

**WHEREAS**, the lump sum fee for the work is \$65,200.00. Funds are available in the Capital Improvements Program Account.

**NOW, THEREFORE, BE IT RESOLVED** that the contract for Professional Design Engineering Services for 2019 Roosevelt Drive Improvements Project be and is hereby awarded to, MSA PROFESSIONAL SERVICES, INC., Beaver Dam, Wisconsin, for the total proposal cost of \$65,200.00, which appropriate City officials are authorized to execute on behalf of the City of Beaver Dam.

**RESOLUTION NO. 14-2019**

**A RESOLUTION AWARDING THE CONTRACT FOR PROFESSIONAL DESIGN ENGINEERING SERVICES FOR 2019 FRONT STREET NORTH ALLEY RECONSTRUCTION PROJECT**

**WHEREAS**, proposes to enter into the attached Standard Form Agreement with MSA Professional Services, Inc. for professional engineering services in connection with Design, Bidding/Contracting and Construction services; and

**WHEREAS**, the lump sum fee for the work is \$12,850.00. Funds are available in the Capital Improvements Program Account.

**NOW, THEREFORE, BE IT RESOLVED** that the contract for Professional Design Engineering Services for 2019 Front Street North Alley Reconstruction Project be and is hereby awarded to, MSA PROFESSIONAL SERVICES, INC., Beaver Dam, Wisconsin, for the total proposal cost of \$12,850.00, which appropriate City officials are authorized to execute on behalf of the City of Beaver Dam.

**RESOLUTION NO. 15-2019**

**A RESOLUTION TO APPROPRIATE A DONATION FROM FRITZ C. FRIDAY TO THE PARKS, RECREATION & FORESTRY DEPARTMENT**

**WHEREAS**, the Beaver Dam Parks, Recreation & Forestry Department has received a donation from Fritz C. Friday for the installation of a kayak launch at the end of Oneida Street.

**NOW THEREFORE BE IT RESOLVED**, that the Common Council of the City of Beaver Dam does hereby express gratitude to Fritz C. Friday for his generous donation and appropriates said donation in the amount of \$25,480 from the Donations and Contributions Account (010000-484100) to the Parkland Dedication Account (010000-239232).

**RESOLUTION NO. 16-2019**

**BE IT HEREBY RESOLVED** that the following applicant be granted a Tavern Dance License under the provisions of Section 6.2 of the Municipal Code for the year beginning July 1, 2018 and ending June 30, 2019:

No(s)

16. Ooga Brewing Company..... 301 South Spring Street

(Subject To Committee Approval)

**RESOLUTION NO. 17-2019**

**A RESOLUTION GRANTING BEVERAGE OPERATOR LICENSE(S)**

**BE IT HEREBY RESOLVED** that the following applicant(s) be granted a Beverage Operator's License:

For two (2) years ending June 30, 2020:

No(s): 212 - 213

(Subject To Committee Approval)

**11) ADJOURNMENT**

***"Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the City Clerk's office at 887-4600, Ext. 338, with as much advance notice as possible."***